

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MATTHEW OAKDEN,)	No. C 05-2887 MMC (PR)
)	
Plaintiff,)	ORDER DISMISSING DEFENDANT
)	SOMERA; GRANTING
v.)	EXTENSION OF TIME
)	
BLIESNER, et al.,)	
)	(Docket No. 26)
Defendants)	

On July 15, 2005, plaintiff, proceeding pro se and currently incarcerated at Pelican Bay State Prison ("PBSP"), filed the above-titled civil rights action under 42 U.S.C. § 1983. Plaintiff thereafter amended the complaint and, on May 12, 2006, the Court ordered the United States Marshal to serve the amended complaint upon defendants Chaplain Bliesner ("Bliesner"), Supervising Correctional Cook M. Gomez ("Gomez"), Correctional Counselor Somera ("Somera"), and Warden Kirkland ("Kirkland") at Pelican Bay State Prison, where plaintiff alleged all said defendants were located. On November 2, 2006, the Court ordered plaintiff to show cause, within thirty days, why the claims against Somera should not be dismissed for lack of service pursuant to Rule 4(m) of the Federal Rules of Civil Procedure ("Rule 4(m)"). Plaintiff has not responded to the November 2, 2006 order, or made any showing why Somera should not be dismissed.

Accordingly, pursuant to Rule 4(m), the claims against Somera are hereby
DISMISSED without prejudice.


On December 4, 2006, plaintiff filed a request for an extension of time in which to file

1 an opposition to the motion for summary judgment filed November 13, 2006 by the
2 remaining three defendants. Good cause appearing, plaintiff's request is GRANTED. If
3 plaintiff wishes to file an opposition, he shall do so on or before **January 12, 2007**.
4 Defendants **shall** file a reply within **14 days** of the date any opposition is filed.

5 This order terminates Docket No. 26.

6 IT IS SO ORDERED.

7 DATED: December 12, 2006

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MAXINE M. CHESNEY
9 United States District Judge
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